

Red Complaint

07-72 (SLR)

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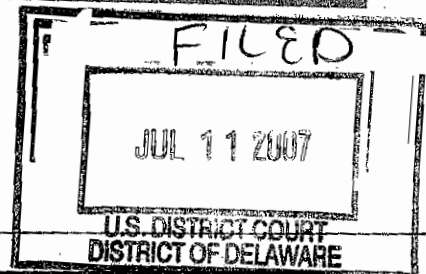
7002 2030 0004 6973 6078
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PLATE STICKER: TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS; FOLD AT DOTTED LINE

CERTIFIED MAILTM

Sent To: *Potter Anderson & Corroon LLP*
Jennifer Gimler
 Street, Apt. No., or PO Box No. *1313 North Market St.*
 City, State, ZIP+4[®] *Wilmington, Delaware 19899-0951*

PS Form 3800, June 2002 See Reverse for Instructions



SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>
<p>1. Article Addressed to:</p> <p>POTTER ANDERSON & CORROON LLP Jennifer Gimler Brady Hercules Plaza, Sixth Floor 1313 North Market Street Wilmington, Delaware 19899-0951</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
<p>2. Article Number (Transfer from service label)</p> <p>7002 2030 0004 6973 6078</p>	

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<p>2. Article Number (Transfer from service label)</p>	<p>7002 2030 0004 6973 6078</p>
<p>PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540</p>	

AO 440 (Rev. 8/01) Summons in a Civil Action

UNITED STATES DISTRICT COURT

District of

Delaware

STEVEN PATRICK THOMPSON, PRO SE
PLAINTIFF

SUMMONS IN A CIVIL CASE

VS.

TARGET STORES, ET ALS
DEFENDANT(S)

CASE NUMBER: 07-72

TO: (Name and address of Defendant)

Target Stores Brandywine
1050 Brandywine Parkway
Wilmington, DE 19803

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

STEVEN PATRICK THOMPSON
306 SHIPLEY ROAD
APT. #611
WILMINGTON, DE 19809
973-343-8867 (cell phone)

an answer to the complaint which is served on you with this summons, within 20 days after serv
of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against
for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with
Clerk of this Court within a reasonable period of time after service.

PETER T. DALLEO

APR 06 2007

CLERK

DATE

Esther...
(By) DEPUTY CLERK

SD 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER (PRINT)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☐ Other (specify): _____

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____ Date _____ Signature of Server _____

Address of Server _____

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

STEVEN PATRICK THOMPSON,)
pro se,)
Plaintiff,)
v.) Civil Action No. 07-72 (SLR)
TARGET STORES, *et al.*)
Defendant.)

**DEFENDANT'S OPENING BRIEF
IN SUPPORT OF ITS MOTION TO QUASH AND TO DISMISS FOR
INSUFFICIENT PROCESS AND INSUFFICIENT SERVICE OF PROCESS**

OF COUNSEL:

John M. Remy, Esquire
Jackson Lewis LLP
8614 Westwood Center Drive, Suite 950
Vienna, Virginia 22182
(703) 821-4306 – Telephone
(702) 821-2267 – Facsimile
remyj@jacksonlewis.com - Email

Jennifer Gimler Brady (Del. Bar 2874)
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P.O. Box 951
Wilmington, Delaware 19899-0951
(302) 984-6000 – Telephone
(302) 658-1192 – Facsimile
jbrady@potteranderson.com - Email
Attorneys for Defendant Target Corporation

Dated: February 28, 2007

780250v1 / 31231

JS 44 (Rev. 1-84)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Steven P. Thompson

(b) County of Residence of First Listed Plaintiff New Castle
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Plaintiff Pro Se

DEFENDANTS

TARGET STORES, et al

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

Not Known

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---|--------------------------------|---|--------------------------------|---|
| Citizen of This State | PTF <input checked="" type="checkbox"/> 1 | DEF <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | PTF <input type="checkbox"/> 4 | DEF <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input checked="" type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input checked="" type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization / <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General Habeas Corpus <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input checked="" type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Constitutional violations - Title VII violations

Brief description of cause:

Unlawful discharge - Retaliation, Harassment - Hostile work env.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

See Complaint - Relief

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

2/7/07

Steven P. Thompson

**IN THE
UNITED STATES DISTRICT COURT
FOR THE THIRD CIRCUIT**

07-72

CASE NO.

**STEVEN PATRICK THOMPSON, PRO SE
PLAINTIFF**

VS.

**TARGET STORES, ET ALS
DEFENDANT(S)**

COMPLAINT AND JURY DEMAND

Now comes Plaintiff, Steven Patrick Thompson by and through his counsel, and for Complaint against the Defendant, states as follows:

I. PARTIES AND JURISDICTION

1. Plaintiff, Steven Patrick Thompson, an African-American, is an adult male individual and citizen of the United States who resides at 306 Shipley Road, Apt. #611, Wilmington, DE 19809;

2. Defendant(s) Target Stores, Inc., et als, 33 S. 6th Street, CC-3500, Minneapolis, MN 55402, [herein referred to as Defendant] At all relevant times, upon information and belief who is and at all times mentioned was a corporation or similar business entity organized and existing under the laws of the State of Delaware, and which regularly conducts business at Target Store in Brandywine, located at 1050 Brandywine Parkway, Wilmington, DE 19803.

JURISDICTION

3. The Jurisdiction of this forum is predicated upon violations of the Plaintiff's Civil and Constitutional Rights Pursuant to Mr. Thompson alleges, inter alia, that he has been the victim of a hostile work environment based, in whole or in part, upon his race in violation of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections(s) 2000e et seq., § 704(a) Title VII's Retaliation provision and the Delaware Law Against Discrimination, Disparate Treatment, and Retaliation, and 42 U.S.C.A. § 2000e et seq., Civil Rights Act of 1991, Intentional Overt Discrimination. Title VII [28] U.S.C. [§§] 2000e-5(g), 2000e-3 (a) **Opposition Clause**, 2000e-2 Disqualification [collectively, "Title VII], and the 42 U.S.C. Section 1981 affords a federal remedy against discrimination in private employment on the basis of race." Moreover, Section 101 of the Civil Rights Act of 1991 prohibits intentional discrimination in "the making, performance, modification, and termination of contracts." the Defendants have violated the following constitutional, statutory, and common law provisions: fraud and misrepresentation, Intentional Infliction of Emotional Distress as a result of discriminatory treatment and other related claims, Negligence under the doctrine of **respondeat superior** for the negligence of individual Defendants committed within the scope of their employment, Negligence on the part of employer, Breach of Contract and/or Promissory Estoppel as set forth in the Employee Handbook. Venue is proper in the United States District Court for the District of Delaware the acts of the Defendants has infringe on this Plaintiff's Civil and

Constitutional Rights under **Fourteenth Amendment** due process and equal protection of the law, Abuse of Process. The Defendants are liable Plaintiff alleges that the Defendants has engaged in a continuous policy of discrimination.

4. Jurisdiction is invoked pursuant to 42 U.S.C. § 1983 The jurisdiction of this Court is predicated upon 28 U.S.C. Section 1331 and 1343, to redress the unlawful deprivation of Plaintiff's rights secured, guaranteed and protected by federal law. The Court also has jurisdiction pursuant to 28 U.S.C. Sections 2201 and 2202 relating to declaratory judgments. This court may also exercise pendant jurisdiction over Plaintiff's state law claims arising under the common law, tort claims and statutes of the State of Delaware, and which arise from a common nucleus of operative fact pursuant to 28 U.S.C. Section 1367. Target stores is liable for the misconduct of its agents under the doctrine of respondeat superior.

II. STATEMENT OF FACTS RELEVANT TO ALL CLAIMS

5. This action arises out of the illegal and wrongful retaliation by the above named Defendants. Mr. Thompson was hired on about April 2005, and has continued to be harass by the Defendants he was wrongfully terminated by way of constructive discharge on November 29, 2006 the Defendant has **continued** to engage in discriminatory harassment of Mr. Thompson because of his race after receiving his demand notice on or about October 31, 2006. Mr. Thompson sought to resolve the issues that he was confronted with but to no avail "Discrimination" is intended to be construed broadly. It includes

harassment, derogatory or demeaning language, and, generally, any conduct towards the named groups that is both harmful and discriminatory.

6. By subjecting Plaintiff to a hostile work environment on the basis of his race, Defendants violated the Fourteenth Amendment to the United States Constitution as made actionable pursuant to 42 U.S.C. §1983 and Title VII.

7. By subjecting Plaintiff to quid pro quo on going continuing racial harassment, Defendants violated the Fourteenth Amendment to the United States Constitution as made actionable pursuant to 42 U.S.C. §1983 as well as Title VII and other related claims set forth herein.

8. By discriminating against Plaintiff in the terms and conditions of his employment race, Defendants have subjected Plaintiff to wrongful constructive discharge because of racial discrimination in violation of the Fourteenth Amendment of the United States Constitution, as made actionable pursuant to 42 U.S.C. §1983 as well as Title VII and other related claims set forth herein. By subjecting Plaintiff to a hostile work environment, quid pro quo harassment and discrimination, all on the basis of his race, retaliation, Defendants violated as well as Title VII and other related claims set forth herein. Target stores is liable for the misconduct of its agents under the doctrine of respondeat superior.

III. PROCEDURAL PREREQUISITES

9. On _____ Mr. Thompson will file his charge of discrimination against Defendant Target Stores, et als., with the Equal Employment Opportunity Commission ("EEOC"). The Defendants terminated Mr.

Thompson employment on or about November 29, 2006 after the Plaintiff sent his demand notice to Target Stores on October 31, 2006 on or about by certified mail return receipt he was terminated less than 30 day later.

10. Mr. Thompson has not received a copy of his "Right To Sue" notice as yet.

COUNT 1: RETALIATION 42 U.S.C. Sections(s) 2000e et seq., § 704(a) Title VII's Retaliation provision and the Delaware Law Against Discrimination, Disparate Treatment, and Retaliation

11. Mr. Thompson realleges and incorporates in this Count II paragraphs 1-10.

12. The Defendant failed to follow its own procedures as evidence of racial discrimination against the Plaintiff after receiving Mr. Thompson's demand notice he was terminated or constructively discharged as a result of retaliation racial discrimination and discriminatory animus. The Defendants violated the Plaintiff's rights under the Conscientious Employee Protection Act and Title VII. On or about April 5, 2006 continuing, Mr. Thompson complained to Defendant of race discrimination and harassment he sought to resolve this matter by way of his demand notice on or about October 31, 2006. The Defendants rejected Mr. Thompson's demand notice as referenced in their letter dated November 29, 2006 and by their own admission administratively terminated Mr. Thompson's employment. The Plaintiff had disclosed to his management staff that his supervisory staff had sought to humiliate him, engaged in harassment creating a hostile work environment. It can be determined that management staff failed to

comply with the policies and procedures as set forth by Target in their employee handbook.

13. Additionally, Target admitted that Mr. Thompson was the victim and that his supervisory staff had engaged in disparate treatment and harassment regarding the Plaintiff. See Target's letter dated May 25, 2006 that stated in part "We have investigated your concerns and taken the appropriate action as per Target policy..." it would appear that Target's policy was arbitrarily and capriciously implemented as a result of discriminatory animus towards Mr. Thompson. The Defendant Target reasons for the termination of Mr. Steven P. Thompson was only a pretext and that discrimination was the real reason. The Defendants discriminatory policy has been ongoing as referenced in Target's letter dated November 29, 2006 from Kristin Graham, Senior Paralegal Employee Relations, Target Corporation and in reference to Jennifer Ayers, Human Resources Representative letter of May 25, 2006. There is evidence that Target was satisfied with Mr. Thompson's work performance but left him with no job security as a form of retaliation. Target stores is liable for the misconduct of its agents under the doctrine of respondeat superior.

14. Defendant refused to rehire Mr. Thompson back to his position after receiving his demand notice on or about October 31, 2006 by way of certified mail return receipt. They conducted their own investigation and has admitted that Mr. Thompson was not at fault but his supervisory & management staff was liable. Because of Mr. Thompson's race no offer of damages was made to reinstate him with back pay or relief for damages he suffered being constructively

discharge after contacting his management staff as set forth in his demand notice as a form of retaliation it is believed that Target was operating under the advice of their attorney.

15. Defendant's refusal to rehire Mr. Thompson was the same as constructive discharge because of race. He was denied his position in retaliation for his having complained of race discrimination and harassment, as name calling by his supervisory staff. At no time did the supervisor share with Patrick any inconsistencies with regards to the employee manual and or his performance. This company had several alternatives to avoid a wrongful termination/constructive discharge and work out a possible solution but fail so to do. The Defendants terminated Mr. Thompson employment on or about November 29, 2006 after the Plaintiff sent his demand notice to Target Stores on October 31, 2006 on or about by certified mail return receipt he was terminated less than 30 day later as a result of retaliation because he opposed a practice made unlawful under Title VII as well as other related claims as set forth herein.

16. Defendant Target intentionally, willfully, and wantonly retaliated against Mr. Thompson in response to his complaints of racial harassment, in violation of both State and Federal statutes and refused to negotiate in good faith with regards to his demand notice of October 31, 2006 after Defendants admitted liability after their in house investigation. The Defendants are liable Plaintiff alleges that the Defendants has engaged in a continuous policy of discrimination. Plaintiff is seeking damages, compensatory, inconvenience, and mental anguish

as a result of the Defendants retaliation pursuant to statutory relief set forth under Title VII.

COUNT 2 – RACE DISCRIMINATION Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections(s) 2000e et seq., § 704(a) Title VII's Retaliation provision and the Delaware Law Against Discrimination, Disparate Treatment, and Retaliation, and 42 U.S.C.A. § 2000e et seq., Civil Rights Act of 1991, Intentional Overt Discrimination. Title VII [28] U.S.C. [§§] 2000e-5(g), 2000e-3 (a) Opposition Clause, 2000e-2 Disqualification [collectively, "Title VII],

16. Mr. Thompson realleges and incorporates in this Count 2 paragraphs 1-15

17. Mr. Thompson's race was a determining factor in Defendant's decision to terminate this Plaintiff on or about November 29, 2006. The Defendant failed to follow its own procedures as evidence of racial discrimination against the Plaintiff after receiving Mr. Thompson's demand notice he was terminated or constructively discharged as a result of retaliation, harassment, racial discrimination and discriminatory animus by Mike Conway, individually, Kevin Hughes, individually, and Kathy McGrath, individually all employees of Target Stores who were not terminated, disciplined and/or otherwise reprimanded for their infractions of company policy. To the contrary, they were given special consideration, for the continued harassment of Mr. Thompson.

18. Defendant(s) knowingly and willfully discriminated against Mr. Thompson on the basis of his race in violation of Title VII Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sections(s) 2000e et seq., Disparate Treatment, and Retaliation, and 42 U.S.C.A. § 2000e et seq., Civil Rights Act of

1991, Intentional Overt Discrimination. Title VII [28] U.S.C. [§§] 2000e-5(g), 2000e-3 (a) **Opposition Clause**, 2000e-2 Disqualification [collectively, "Title VII"], and State related civil rights claims and common law tort claims.

19. Throughout his employment at Defendant, Mr. Thompson met and/or exceeded Defendant's expectations. Because of his race and other impermissible factors Plaintiff alleges that Defendants employees Mike Conway, Executive Team Leader, who sought to suspend the plaintiff, his supervisor Kathy McGrath who contacted Mr. Thompson and wanted to know why he did not report to work on or about April 6, 2006. Since the onset of his employment Mr. Thompson has had problems with Mike Conway and Kevin Hughes Executive Team Leader of Reverse Logistics. The incidents were on going, they were reported to Mr. Thompson's management staff and they failed to take any corective action. These individuals had knowingly and intentionally undertaken a course of conduct respecting Plaintiff designed to embarrass humiliate, denigrated Plaintiff resulting in racial discrimination, intentional infliction of emotional distress, the facts stated are sufficient to support a cause of action for an intentional tort.

20. On or about November 29, 2006, Defendant notified Mr. Thompson it had eliminated his position. Mr. Thompson had file his "Demand Notice" on the Defendant on or about October 31, 2006. The Defendants discriminated against Mr. Thompson with regards to the terms and conditions of his employment because of his race resulting in an adverse decision resulting in discharge and denying him all opportunities for promotions. This was a form of retaliation by the

Defendants to administratively terminated Mr. Thompson. There was a causal connection with regards to the "Demand Notice" and the adverse decision to terminated the Plaintiff.

21. After Defendant terminated the Plaintiff, it reassigned, continued to look for individuals to perform his job functions, responsibilities or retain those not in a protected group to the same position similar to Mr. Thompson's position. The intentional discriminatory treatment by the defendants Target Stores was with malice, reckless indifference to Mr. Thompson, and arbitrarily and capriciously derive.

22. Mr. Thompson forwarded a copy of his "Demand Notice" to the Defendant on or about October 31, 2006 to resolve said issues but they failed to respond in a timely manner with no relief to the Plaintiff and terminated his position as a form of retaliation and continued harassment.

23. Plaintiff is a member of a protected class he is Afro-American male, Plaintiff did performed his job satisfactorily and was qualified for a new position (management level) as referenced in the Defendant's letter of May 25, 2006. Mr. Thompson suffered an adverse employment decision wrongful retaliation discharge action by the Defendants who represented that in part his supervisory and managet staff did not follow Target's polices. Plaintiff alleges that the circumstances give rise to an inference of discrimination and or retaliation. This adverse employment action by the Defendant Target Stores was taken because of his race and disparate treatment. The reason for the Plaintiff termination was

only a pretext by the Defendants when racial discrimination and retaliation was in fact a motivating factor in the adverse employment decision.

24. As a direct and proximate result of Defendant's actions described herein, Plaintiff has suffered from a loss of income and benefits, back pay, compensatory damages future pecuniary losses, punitive damages as a result of malice or reckless indifference to the plaintiff's federally protected rights loss of enjoyment of life, severe emotional distress and mental anxiety, for all of which he should be compensated. Mr. Thompson is entitled to punitive, exemplary damages in addition to compensatory damages pursuant to statutory relief set forth under Title VII.

COUNT 3 – MENTAL AND EMOTIONAL DISTRESS

25. Mr. Thompson realleges and incorporates in this Count 3 paragraphs 1-24

26. Defendants' actions described herein were intentional and inflicted upon Plaintiff severe mental and emotional distress because of Mr. Thompson's race and harassment by Target Stores. The Defendant and its supervisory staff sought to humiliate Mr. Thompson in front of customers and other co-workers of Target. There were occasions when Mr. Thompson would be called into meetings as a form of harassment and his supervisory staff would have several other employees present in an attempt to intimidate the Plaintiff. Certain supervisory employees had engaged in name calling that Mr. Thompson felt offensive. Plaintiff alleges that had it not been for his race he would not have

been subjected to such humiliation, racial discrimination. On Wednesday night April 5 2006 at Target Brandywine Mike Conway who was the executive team leader that night suspended Mr. Thompson for no reason whatsoever and told him to go home. This incident was reported to Kathy McGrath but no meaningful investigation took place and nothing was done. The human resources representative "Tina" sought to cover up the issues. This harassment continued with Kevin Hughes Executive Team Leader who continued to write up this Plaintiff with regards to fraudulent charges.

27. As a result of Defendants' actions, Mr. Thompson has suffered irreparable injuries, including but not limited to loss of pay, benefits and other economic losses, emotional pain and suffering, mental anguish, humiliation, embarrassment, personal indignity and other intangible injuries for all of which he should be compensated. Mr. Thompson is entitled to punitive, exemplary damages in addition to compensatory damages.

COUNT 4 – CONSTRUCTIVE DISCHARGE

28. Mr. Thompson realleges and incorporates in this Count 4 paragraphs 1-27

29. Due to Defendants' conduct as set forth above, Plaintiff was unable to return to the workplace, thereby Defendants constructively discharged Mr. Thompson based on their letter dated November 29, 2006. Target Stores failed to respond to Mr. Thompson's **demand notice** sent by certified mail returned

receipt on October 31, 2006. Target stores is liable for the misconduct of its agents under the doctrine of respondeat superior. Mr. Thompson alleges that the Defendants made Plaintiff's working conditions intolerable, making derogatory statements, and his race was a motivating factor with reference to the Defendants adverse decision to administratively termination his position. The Defendants failed to respond to the Plaintiff's demand notice dated October 31, 2006 on or about. The Defendants admitted that his supervisory staff admitted that they were wrong. The conduct of Mr. Thompson's supervisory and management was to force the Plaintiff to quit. They made his working conditions so intolerable if a reasonable person in Plaintiff's situation would have deemed was the result of discriminatory animus more specifically racial discrimination. Mr. Thompson sought to resolve these issues by way of his demand notice and the Defendants failed to respond retaliated by way of termination. Mr. Thompson believed that the so called investigation conducted was only a shame and they sought to force him out of his position by way of termination. Plaintiff alleges that Target Stores, discriminated against him because of his race with regards to the terms and conditions of his employment.

30. Mr. Thompson was subjected by the Defendants to harassment on the basis of his race. This harassment was so severe that Plaintiff was constructively discharged by way of the Defendants letter of November 29, 2006 claiming that his position was administratively terminated. It was the Defendants who wrongfully suspended Mr. Thompson on or about April 5, 2006. The Defendants discriminated against Mr. Thompson based on his race, with regards

to the terms and conditions of his employment after receiving his response notice regarding the alleged incident identified in his demand notice dated October 31, 2006.

31. As a direct and proximate result of the Defendant's conduct described herein, Target is libel for damages and the individual supervisory staff, Plaintiff has suffered from a loss of income and benefits, severe emotional distress and mental anxiety, for all of which he should be compensated to include as was set forth in his demand notice of October 31, 2006. The Defendants failed to negotiate in good faith and never responded to Plaintiff's demand notice with regards to damages the issue was being negotiated, Plaintiff did not abandon his employment but was constructively discharge as a result of Targets Stores adverse decision to administratively terminate Mr. Thompson. As a result of Defendants' actions, Mr. Thompson has suffered irreparable injuries, including but not limited to loss of pay, benefits and other economic losses, emotional pain and suffering, mental anguish, humiliation, embarrassment, personal indignity and other intangible injuries for all of which he should be compensated. Mr. Thompson is entitled to punitive, exemplary damages in addition to compensatory damages pursuant to statutory relief set forth under Title VII.

COUNT 5 - Breach of Contract and/or Promissory Estoppel

32. Mr. Thompson realleges and incorporates in this Count 5 paragraphs 1-31

42. The Defendants' conduct toward Mr. Steven Patrick Thompson was improperly motivated, and was intentional, willful and wanton, As a result of Defendants' actions, Mr. Thompson has suffered irreparable injuries, including but not limited to loss of pay, benefits and other economic losses, emotional pain and suffering, mental anguish, humiliation, embarrassment, personal indignity and other intangible injuries for all of which he should be compensated. Mr. Thompson is entitled to punitive, exemplary damages in addition to compensatory damages.

Court deems necessary including front pay for those position; and as set forth under Title VII.

4. An award to Mr. Thompson for Compensatory damages in amount to be shown at trial for past and future economic and non-economic losses, including consequential loses and medical expenses, front pay, expert witness fees and costs and what other relief the Court may deem just and fair; and as set forth under Title VII.
5. Plaintiff's costs of this action including reasonable attorney's fees, an award of interest of any awards at the highest rate allowed by law;
6. Such punitive damages as are determined by the enlightened conscience of an impartial Jury are warranted to deter Defendant(s) from future conduct of the type proven at trial;
7. Such further and additional relief as the Court may deem is appropriate. Plaintiff requests trial to a jury on all claims allowed by law.
8. accept jurisdiction over this matter, including the pendent claim;
9. empanel a jury to hear and decide all questions of fact;
10. award to Plaintiff compensatory damages of \$62, 000.00 against the Defendants jointly and severally as well as reinstatement; as a result of racial discrimination, emotional distress, retaliation, harassment;

11. award to Plaintiff **punitive damages** of \$2,500,000.00 against Defendant Defendant for his malicious and spiteful pattern of racial discrimination, retaliation, harassment;
12. award to Plaintiff damages for **emotional distress** in the amount of \$500,000.00 or whatever the court deems just and fair;
13. award to Plaintiff the **reasonable attorneys' fees** and costs incurred in the prosecution of this matter; as well as all other equitable and legal relief to which Plaintiff appears entitled.
14. for all compensatory and punitive damages with respect to statutory and tort claims in an amount being just;
15. permanently enjoin the Defendants, their assigns, successors, agents, employees and those acting in concert with them from engaging in racial discrimination, harassment, disparate treatment or retaliation against Plaintiff and
16. enter any other order the interests of justice and equity require.

We have analyze the case's value Mr. Thompson has mitigated some of the damages by way of employment. We are very much focus on the cost savings and the need for timely solutions to resolve this matter and the fact that local rules require settlement negotiations.

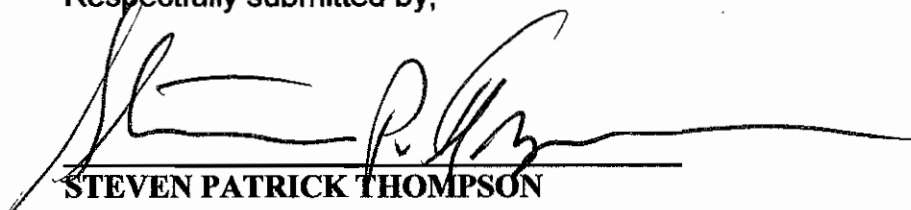
Respectfully submitted by,

STEVEN PATRICK THOMPSON

CERTIFICATION

Mr. Thompson certifies that the foregoing statements made by him in his complaint are true. He is aware that if any of the foregoing statements made by him is willfully false, he is subject to punishment.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read 'Steven P. Thompson', is written over a horizontal line.

STEVEN PATRICK THOMPSON
306 SHIPLEY ROAD
APT. #611
WILMINGTON, DE 19809
973-343-8867 (cell phone)

PROOF OF SERVICE

On or about July 9, 2007 I, the undersigned, sent by regular/certified mail copies of my federal complaint and summons to be served on the attorneys of the defendants: see mail receipt of certified mail...

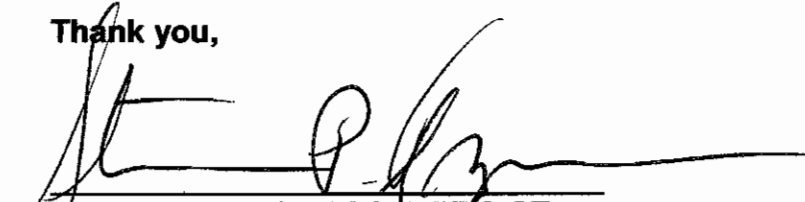
Target Stores Brandywine
1050 Brandywine Parkway
Wilmington, DE 19803

POTTER ANDERSON & CORROON LLP
Jennifer Gimler Brady
Hercules Plaza, Sixth Floor
1313 North Market Street
Wilmington, Delaware 19899-0951

U.S. District Court Third Circuit
Peter T. Dalleo
4209 Federal Bldg.
Lockbox 18
844 King St., Rm. 4209
Wilmington, DE 19801

I certify that the foregoing statements made by me are true. I am aware that if any of the forgoing statements made by me are willfully false, I am subject to punishment. I petition the attorney for the Defendants to make an offer of settlement and contact me with in the next 10 business days upon receipt of this complaint.

Thank you,



STEVEN P. THOMPSON, PRO SE

Confidential distribution

February 6, 2007


**STATE ATTORNEY GENERAL
Carvel State Office Bldg.
820 N. French St., 8th Flr.
Wilmington, DE 1980**

Dear Sir:

**Please review the attached complaint. I ask that you investigate my
State civil rights claims.**

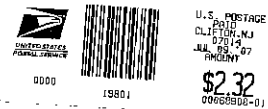
Should you have any questions please contact me.

Thank you,



**STEVEN PATRICK THOMPSON
306 SHIPLEY ROAD
APT. #611
WILMINGTON, DE 19809
973-343-8867 (cell phone)**

STEVEN PATRICK THOMPSON
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U.S. MAIL
FIRST CLASS

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